

COPY

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAI'I

3 'ILIO'ULAOKALANI COALITION,) Civil No. 04-00502 DAE BMK
4 a Hawai'i nonprofit)
5 corporation; NA 'IMI PONO,)
6 a Hawai'i unincorporated)
7 association; and KIPUKA, a)
8 Hawai'i unincorporated)
9 association,)
10)
11 Plaintiffs,)
12)
13 vs.)
14)
15 DONALD H. RUMSFELD,)
16 Secretary of Defense; and)
17 FRANCIS J. HARVEY,)
18 Secretary of the United)
19 States Department of the)
20 Army,)
21)
22 Defendants.)
23)

14 DEPOSITION OF RONALD L. BORNE
15

16 Taken on behalf of the Plaintiffs, at the law
17 offices of Earthjustice, 223 South King Street, Third
18 Floor Conference Room, Honolulu, Hawai'i, commencing at
19 9:36 a.m., on Monday, December 4, 2006, pursuant to
20 Notice.

21 BEFORE: CARI VALLO, CSR No. 252, RPR
22 Notary Public, State of Hawai'i

23 PACIFIC REPORTING SERVICES UNLIMITED

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EXHIBIT 72

1 APPEARANCES:

2 For Plaintiffs 'Ilio'ulaokalani Coalition, a
3 Hawai'i nonprofit corporation; Na 'Imi Pono,
4 a Hawai'i unincorporated association; and
Kipuka, a Hawai'i unincorporated association:

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8 For the Defendants Donald H. Rumsfeld, Secretary
of Defense, and Francis J. Harvey, Secretary of
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17
18 ALSO PRESENT: Anna Mallon, William Aila
19
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21
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25

1 BY MR. HENKIN:

2 Q In the Army's disclosures with respect to the
3 proposed Stryker training, they identify for the
4 purposes of maneuvers certain go and no-go areas. Are
5 those terms familiar to you?

6 A Yes, they are.

7 Q Were you involved in the designation of go and
8 no-go areas at Schofield East Range?

9 A Yes, I was.

10 Q I'm going to show you a document that was
11 provided to me by the Army and ask you if you recognize
12 it.

13 A Yes, I do.

14 Q What is that document?

15 A This document was specifically developed for
16 the Stryker's driver's training course. However,
17 embedded in it is the go and no-go areas.

18 MR. HENKIN: Could we please have that labeled
19 as Exhibit 2.

20 (Deposition Exhibit 2 was marked.)

21 Q With respect to what we've labeled as
22 Exhibit 2, do you see the legend in the lower
23 right-hand corner?

24 A Yes, I do.

25 Q And the designation or the indication for green

1 course, blue course, red course?

2 A Yes, I do.

3 Q The green course has a blue line next to it on
4 the legend; is that correct?

5 A I'm sorry. Explain the question or the
6 instruction.

7 Q If you look at the legend, what color is the
8 line next to green course?

9 A Oh. It's listed as blue.

10 Q What color is the line next to blue course?

11 A Red.

12 Q What is the color --

13 A Green.

14 Q I need to finish the question.

15 With respect to red course, it's --

16 A Green.

17 Q Could you explain why the color of the line is
18 different than the name of the course?

19 MR. LEWIS: Objection as to relevance.

20 THE WITNESS: It is mislabeled.

21 BY MR. HENKIN:

22 Q What should the correct --

23 A In the legend. It is mislabeled in the legend.
24 My knowledge, the courses depicted on the map are
25 correct. The legend has just been reversed.

1 Q With this pen, could you please edit the legend
2 so we can refer to the courses by their proper names.

3 (Witness complies.)

4 Q With respect to the areas in purple on this
5 map, what do those indicate?

6 A The purple indicates areas that through a
7 series of criteria have been listed as potentially able
8 for a vehicle like a Stryker to maneuver into off the
9 road.

10 Q What are those criteria?

11 A I do not recall all of them, but I do know that
12 slope angle, topography, hydrology, and any other
13 restrictions either natural or cultural are considered
14 in determining that.

15 Oh -- and I'm sorry -- one I do recall.

16 Diameter of vegetation density.

17 Q Could you describe what that limitation would
18 be?

19 A That limitation would be -- grasses would not
20 be a limitation to vehicle transition, but brush
21 over -- with a diameter of a stalk or trunk over so
22 many inches would be considered a limitation.

23 Q Do you know how many inches?

24 A I know the maximum is four inches.

25 Q Would it be necessary for -- or does the Army

1 contend that it would be necessary to use all of the
2 purple areas in order to complete the training that is
3 proposed for East Range?

4 MR. LEWIS: Objection. Lack of foundation.

5 THE WITNESS: No, they do not.

6 BY MR. HENKIN:

7 Q What is the basis for your saying they do not?

8 A East Range is being used for Stryker driver's
9 training, and while that requires them on occasion to
10 pull off the road to do certain either training tasks
11 or for administrative reasons, they would not require
12 all of the area that's listed in purple to do that
13 training.

14 Q Are you involved in the decision as to which of
15 these purple areas would be used?

16 A No.

17 Q Who is?

18 A The driver's training course supervisor -- I
19 don't know if he's a supervisor, but there is a
20 driver's training course head instructor -- would
21 request those areas, and they would go through our
22 range control.

23 Q If you're not responsible for making the
24 decision regarding what areas would be requested,
25 what's the basis of your knowledge that they would not

1 require all of these areas?

2 A When we initially went back to ask if any other
3 requirements were to be requested specifically for
4 training, we asked if the driver's training would
5 require any area that had not been presently used, and
6 the answer was no, that sufficient space was there for
7 what they use today.

8 Q Are you familiar with which of the go areas are
9 being presently used today?

10 A I am roughly familiar on the map. I'm very
11 familiar on the ground with those areas.

12 Q Could you please circle in black the areas that
13 are currently used today.

14 (Witness complies.)

15 A Barring minor pulloffs to the roadside. And
16 when I say that, I mean to within five meters of the
17 road or 10 meters of the road.

18 Q Barring that, what?

19 A Barring that that could happen anywhere on the
20 colored roads, they would have to administratively stop
21 for any reason and pull just off the road to allow
22 other traffic to come by. The areas that they would
23 maneuver further than that I believe are the areas that
24 I have highlighted.

25 Q Just for clarification, in range area ER-5,

1 you've drawn a dark line to one side of the road.

2 What's the other limit of the --

3 A Would be the road itself.

4 Q I'm going to try and finish the question just
5 for a clear record. I appreciate it's not normal
6 conversation. It's a little awkward, but it will help
7 the court.

8 So with respect to the area ER-5, only those
9 portions, as the map is situated above the road, which
10 I assume would be to the north of the road, would be
11 used for off-road maneuvers; is that correct?

12 A That is correct.

13 Q So other than the three areas that you have
14 identified in range area ER-5, ER-3A, and then ER-1A
15 going over on to ER-1B, these are the only off-road
16 maneuver areas currently being used; is that correct?

17 A That is correct.

18 Q For purposes of the request to the court for
19 Stryker off-road maneuver training at East Range, these
20 are the only areas that the Army believes that it
21 needs; is that correct?

22 A For Stryker drivers OPNET training, that is
23 correct.

24 Q In terms of what the Army is currently asking
25 the court for leave to do, is there any other training

1 the first page 3-A and the second page 3-B.

2 (Deposition Exhibits 3-A and 3-B were
3 marked.)

4 BY MR. HENKIN:

5 Q Mr. Borne, if you could please describe what
6 we've labeled as Exhibit 3-A.

7 A You have labeled 3-A Kahuku Training Area go/no
8 go area map from the environmental impact statement,
9 Figure 2.5, for the Stryker transformation in Hawai'i.

10 Exhibit 3-B is a generic range division
11 produced map of the Kahuku training area that shows the
12 training areas themselves, some internal road networks,
13 and some prominent features.

14 Q Are you familiar with the areas at Kahuku
15 Training Area where the Army proposes to have Stryker
16 vehicles go off of established roads?

17 A I am.

18 Q What is the basis of that familiarity?

19 A My personal discussions with the 2nd Brigade,
20 either Colonel Banach or S3 operations officer.

21 Q Who is that?

22 A Ben Eisner, Major Ben Eisner, with an E.

23 Q Would you be able to mark with this black pen
24 the areas at Kahuku where the Army seeks the
25 opportunity to go off road with Stryker vehicles?

1 A Yes, I can.

2 Q Thank you.

3 (Witness complies.)

4 A While 2nd Brigade has not completely developed
5 their training plan, these are the general areas we
6 discussed.

7 Q Other than the areas that you've outlined on
8 Exhibit 3-A, are there any other areas that the Army is
9 currently asking the court to allow Strykers to perform
10 off-road maneuvers?

11 A Only on designated road systems connecting
12 those areas together in the Kahukus.

13 Q But with respect to maneuvers off of existing
14 roads, are these four areas outlined in black on
15 Exhibit 3-A the only ones that the Army is currently
16 asking the court for permission to use?

17 MR. LEWIS: Objection. Asked and answered.

18 THE WITNESS: Yes, for off-road maneuver.

19 BY MR. HENKIN:

20 Q How will the Stryker vehicles using these
21 off-road maneuvers at Kahuku Training Area know that
22 they are within the limits of the areas you've
23 designated on 3-A?

24 MR. LEWIS: Objection. Lack of foundation.

25 THE WITNESS: There will be two ways. One, the

1 have witnessed the training, discussed with the
2 instructors and their supervisors the training that
3 they do today.

4 In the Kahukus, my experience is only
5 topographically having visually seen the areas myself
6 in the past, knowing the vehicle maneuver capabilities,
7 and for the Stryker discussions with 2nd Brigade
8 personnel, Colonel Banach, and his operations officer.

9 MR. HENKIN: Why don't we take a five-minute
10 break.

11 (Recess taken, 10:16-10:25 a.m.)

12 BY MR. HENKIN:

13 Q Mr. Borne, is the Army seeking to use -- sorry.
14 Try again.

15 As part of the Army's current request to the
16 court for training involving Stryker vehicles, is it
17 seeking any use of the area that was recently purchased
18 from the Parker Ranch on the island of Hawai'i, known
19 as the West Pohakoloa Training Area Acquisition Area?

20 A Not for initial operating capabilities for 2nd
21 Brigade.

22 Q Could you please clarify what you mean by not
23 for initial operating capabilities?

24 A Not use the Keamuku -- recently purchased
25 Keamuku parcel for 2nd Brigade to reach its capacity to

1 deploy.

2 Q Is it asking the court for use of the Keamuku
3 parcel for any other purpose?

4 A No, it is not.

5 Q Does it have plans to use the Keamuku parcel
6 for any other purpose between now and the time that the
7 2nd Brigade deploys?

8 A For training, no. I am not certain if there's
9 any implementation of any fire management or other
10 environmental concerns that have to be implemented for
11 emergency reasons, like wild fire. But not for
12 training until that time.

13 Q Who would know if there were any plans to do
14 any nontraining activities on the Keamuku parcel
15 between now and the time of deployment?

16 A At this point, I do not believe anyone is aware
17 of them, that they need to implement any immediately.
18 However, should wild fires become a problem,
19 suppression, fire-break roads, those things may have to
20 be implemented or managed.

21 Q When you refer to the time of the 2nd Brigade's
22 deployment, what time is that?

23 A Second brigade, I am not privy to the exact
24 deployment of 2nd Brigade.

25 Q Has it received deployment orders?

1 the statements made in the Army's response to
2 Interrogatory No. 18, still having to do with the motor
3 pool. If you look at the bottom of page 65, it's a
4 statement: The criticality of the SBCT motor pool is
5 tied to this upcoming" -- in all caps -- "deployment in
6 that when the SBCT returns from the National Training
7 Center, its vehicles will have a very short window of
8 time to receive final maintenance work/checks before
9 needing to be loaded on ships headed to Kuwait/Iraq.

10 Do you see that?

11 A Yes, I do.

12 Q That's going on to page 66.

13 Could you please explain the basis of that
14 statement.

15 A It's a two-phased answer. The first one is
16 related to that when 2nd Brigade returns from its
17 National Training Center deployment, the vehicles will
18 come back obviously used, and there will be very
19 limited repair capability there at the National
20 Training Center.

21 Of course, those vehicles have to be at a high
22 readiness standard to deploy to any theater. So they
23 would have to do an intensive maintenance reset of
24 themselves upon their return. That would apply for all
25 vehicles, equipments, trailers, and generators which

1 are maintained in the motor pools.

2 The second part is by the time they redeploy,
3 the rest of the division's equipment would be coming
4 back from its repairs, resets, and overseas shipments,
5 and of course, that would fill the areas the 2nd
6 Brigade is currently in today.

7 Q When you talk about the rest of the division's
8 equipment, are you referring to the equipment that is
9 currently deployed to Iraq?

10 A That is correct.

11 Q When are they expected to return?

12 A They were deployed for what was originally
13 announced to be a 13-month deployment counting their
14 deployment, which would return them in the summer of
15 next year.

16 Q Could you be more precise with respect to a
17 month?

18 A July of next year. Of course, that can be
19 spread over a three-month-return time frame.

20 Q When is the 2nd Brigade expected to deploy to
21 the National Training Center?

22 A They are looking at an around October training
23 time, so they would begin prepping for that in
24 September.

25 Q Prior to the October training time at NTC,

1 wasn't there additional training that was requested?

2 A There is additional training. That's that
3 preparation for their actual training at the NTC. They
4 will prepare, move, and do the additional training.

5 Q So the preparation to move and do the
6 additional training would be in September of '07?

7 A Could be, yes, in September of '07. Dates
8 Colonel Banach could reflect more correctly.

9 Q Where will the Army accommodate the returning
10 equipment from Iraq in the summer of '07 during the
11 time period from the return of that equipment until the
12 deployment to NTC in approximately September of '07?

13 A There's two parts to that. The first is we
14 would build interim motor park space around Schofield
15 Barracks to put some of that equipment awaiting the 2nd
16 Brigade motor pool completion, and the second is when
17 some of that equipment would return from overseas, it
18 would go to a location to be refitted and then given
19 back, which would be on Schofield or on the island of
20 Oahu but would not be in the motor park space. In
21 other words, maintenance facilities.

22 Q Even had there not been an injunction from the
23 Ninth Circuit, am I correct in understanding that the
24 motor pool would not have been completed in time to
25 avoid this overlap between the return of the division

1 from Iraq and the deployment to NTC?

2 A The motor pool with its maintenance facilities
3 would not have been completed, that is correct. But
4 maintenance motor parking area would have been
5 completed enough that we could have relieved some of
6 the stress on those outlying locations, and
7 additionally, these interim parking areas would have
8 been completed in time to relieve that stress.

9 Q How has that changed with the imposition of the
10 current injunction?

11 A That increase -- if the motor pool was not
12 allowed to proceed at all?

13 Q I'm just speaking with respect to the current
14 situation, assuming that the injunction is lifted on or
15 about December the 18th. So I'm referring to the
16 injunction going from October 27th until approximately
17 December 18th, how has that affected the situation, if
18 it has?

19 A It has affected the situation in the fact that
20 while I cannot name the date that it has been proposed
21 for being opened for that, it would affect it in the
22 fact that we may need to request more of that motor
23 park space be available as soon as we originally
24 envisioned it. In other words, the area to park the
25 vehicles versus the area to maintain the vehicles, at

1 Q Do you know for a fact whether the Stryker
2 vehicles will return to Hawai'i following the
3 deployment to the National Training Center and prior to
4 deployment?

5 A I do not know for sure, but I do know there was
6 some general discussions that the Stryker vehicles
7 themselves, one option was they may not return to
8 Hawai'i themselves, that they may -- that they would be
9 deployed overseas to a deployment receiving station
10 directly from the National Training Center.

11 Q If that were to occur, if the Stryker vehicles
12 were to go directly to deployment from the National
13 Training Center, would there be any need for the motor
14 pool facility at Schofield Barracks during the period
15 following the deployment to the National Training
16 Center and prior to whatever time the 2nd Brigade would
17 return to Hawai'i after its deployment abroad?

18 A Yes, it would.

19 Q What need would there be?

20 A As I described, I've heard only discussions of
21 the 300 Stryker vehicles. The remaining approximate
22 900 other vehicles from the brigade would return most
23 likely here to Hawai'i for maintenance, and again,
24 Colonel Banach may give further definition on that.

25 And additionally, the division will have also

1 future date.

2 Q To make sure I understand, if the 2nd Brigade
3 is temporarily restationed between now and its
4 deployment abroad, it's your opinion that there would
5 still be a need to construct the Stryker Brigade motor
6 pool?

7 A There's still a requirement for space like the
8 Stryker Brigade motor pool.

9 Q Could that requirement be accommodated with the
10 other spaces that are not located in the South Range
11 acquisition area?

12 A The other interims. That is correct.

13 MR. HENKIN: Let's go off the record.

14 (Recess taken at 12:50 p.m.)

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1 area for parking?

2 A The parking would be associated with any leaks
3 or any petroleum products that might leave the vehicles
4 if there's not a surface underneath that that's
5 impervious enough to keep it from seeping into the
6 ground beneath the gravel.

7 Q If the environmental concerns were otherwise
8 addressed, would there be enough room on the portions
9 of the motor pool that are already graveled to park the
10 Stryker vehicles?

11 A For the parking, for the vehicle parking, the
12 answer would be yes.

13 Q How about for the non-Stryker vehicles
14 associated with the 2nd Brigade?

15 A The answer would be yes. I do not know the
16 square yards that actually is graveled, but assuming
17 that they are sufficient enough, then they would be.
18 The surface is prepared enough.

19 I do know that a part of the motor pool,
20 Stryker motor pool is not graveled. So we'd have to
21 measure the surface that has been prepared and then
22 compare that to the requirement. I believe a large
23 enough portion is prepared for the Stryker vehicles,
24 and then to add onto them then the non-Stryker vehicles
25 would just take a calculation of requirement versus the

1 surface that's prepared.

2 Q Has such a calculation been performed?

3 A Not to my knowledge.

4 Q Have there been discussions at the Army that
5 you're aware of regarding a contingency plan should the
6 district court not allow the Army to proceed with the
7 construction of the Stryker motor pool?

8 A A contingency plan? No, I am not aware.

9 Q Do you have an opinion regarding what the
10 Army's options would be if the court were not to
11 authorize continuance for the motor pool project?

12 MR. LEWIS: Objection. Calls for speculation.

13 THE WITNESS: My opinion would be we would just
14 need to build more interim facilities or secure the
15 facilities that we would need to be able to store the
16 vehicles.

17 BY MR. HENKIN:

18 Q How about maintenance of the vehicles?

19 A Maintenance of the vehicles would be the harder
20 part because they require a specific structure, and in
21 only one location on post are the bays and the lifts
22 enough for a Stryker vehicle. And they would not be
23 able to sustain the through-put for the vehicle
24 maintenance of the Stryker vehicles themselves.

25 So that would become an issue where we would

1 necessary?

2 A I believe that's within Congress's power, yes.

3 Q Do you have a ballpark figure as to what it
4 would cost to build such interim facilities?

5 MR. LEWIS: Objection. Calls for speculation.

6 THE WITNESS: No, but I do know it would exceed
7 that threshold and become a MILCON project. It would
8 easily be over a million dollars based on our
9 preparations of similar sites.

10 The threshold is -- in fact, we've had to
11 remove traits from other sites to lower them to the
12 cost of the \$750,000. So to build one, to do that, we
13 know it would exceed that amount of funding.

14 BY MR. HENKIN:

15 Q Do you have an opinion as to whether it would
16 be in excess of \$3 million?

17 A Based on the designs we have done at the
18 present, I think you could build a very limited
19 facility but could support Stryker for around \$3
20 million. Then the question would be how many bays
21 would that provide, would just be based on design with
22 that limitation. But at least you could then place
23 one.

24 Q Such a facility in your opinion would be
25 adequate for purposes of Stryker maintenance prior to

1 their deployment in 2008?

2 MR. LEWIS: Objection. Vague.

3 THE WITNESS: The facility itself could support
4 the maintenance. The question that I cannot answer is
5 depending on how many bays, would it be able to support
6 the through-put requirement they would need to do that
7 maintenance on the vehicles?

8 So in essence, it could technically support a
9 vehicle, but could it support the number of maintenance
10 cycles they would have to go through at a given time.
11 I cannot speculate.

12 BY MR. HENKIN:

13 Q A study of that question has not been done; is
14 that correct?

15 A That is correct.

16 Q Turning to the Urban Assault Course, did the
17 3rd Brigade need to do urban assault training before it
18 deployed to Iraq in the summer of 2006?

19 A Yes, it did.

20 Q Where did it perform that training?

21 A A combination of facilities at Schofield
22 Barracks and at the National Training Center.

23 Q What facilities at Schofield Barracks did it
24 use?

25 A They used a combination of lesser facilities in

1 30 days ahead of schedule.

2 Q What is the current expected completion date if
3 the district court were to lift the injunction on or
4 about December 18th?

5 A The Urban Assault Course is one that we know
6 suffers a one-for-one day -- a lag and is still under
7 that currently. So whatever the appropriate days would
8 be, if it is on the 18th, 19th, then it would be offset
9 from the time it was told to go on hold.

10 Q Can you state with any greater specificity when
11 the original -- when the preinjunction expected finish
12 date was?

13 A The preinjunction date I believe was on or
14 about the 1st through the 5th July 2007.

15 Mr. Kawasaki's deposition may have a more exact date.
16 But I do know from talking to Mr. Kawasaki and the
17 program managers, that was a -- they were looking at a
18 30-day-ahead-of-schedule construction period and were
19 maintaining that.

20 Q I'm going to hand you his declaration to the
21 Ninth Circuit and see if that refreshes your
22 recollection regarding the expected completion date
23 prior to the entry of the injunction.

24 A March 2007 was the construction completion
25 date. Digital targetry needed to be installed through

1 April and May. So the construction date may have been
2 March, but because that's a digital range, the
3 secondary portion of target installment would take
4 place after that.

5 Q Since the information does not appear to be in
6 the declaration, would we have to speak with
7 Mr. Kawasaki to find out when the facility was expected
8 to be completed prior to the entry of the injunction?

9 A No. He would probably not know that answer
10 unless he heard it from the side of the training like
11 myself knowing how long it took the target installation
12 to come into play. A different agency other than the
13 Core of Engineers actually does the installation of
14 pieces and parts that are not part of construction.

15 Q Then who would know what the expected end date
16 was?

17 A To be exactly calculated, we'd have to go back
18 to the owning agency within the Army. There's a
19 program executive office that does the targetry for
20 these type of ranges, I believe, at Fort Eustis in
21 Virginia. But they have articulated to us how many
22 days it would take, and that's where we get our on and
23 about.

24 Initially was 1 July with the construction date
25 delayed out, but we were looking at about 1 June. So

1 from the 27th of March until 1 June was target
2 installation, validation, and preparation of the
3 facility, too. There has to be safety inspections done
4 on the range.

5 So while soldiers may get in to do validation,
6 it's not cleared for the unit to actually say we can go
7 in and train without oversight, as would be originally
8 on or about the 1st of June.

9 Q So preinjunction, the expectation was the
10 facility would be available for training on or about
11 June 1 of 2007?

12 A That is correct. Correct.

13 Q Now, there's a one-day-for-one-day delay from
14 that date?

15 A That is correct, because of the construction
16 schedule.

17 Q How many days of training at the Urban Assault
18 Course does the 2nd Brigade require before it deploys
19 to the National Training Center?

20 A I am not privy to Colonel Banach's exact
21 training schedule. I do know that each one of his
22 squads would require approximately a day on a
23 consolidated facility like the Urban Assault Course.
24 Depending on failures, they may go to a second day.

25 Q That would be a question best addressed to

1 A Yes, all these would fire a ball or training
2 ammunition.

3 Q None of them would fire anything similar to the
4 40 millimeter grenade that the MK-19 fires?

5 A No, none of these listed on this page would
6 fire the 40 millimeters.

7 Q Just to make sure that I'm clear, you've not
8 located any portion of the environmental impact
9 statement where there's a discussion of the use of the
10 MK-19 or its ammunition at QTR-1; is that correct?

11 A No, none that specifically puts the MK-19 and
12 the QTR-1 on the same paragraph.

13 Q I'm going to hand you a document and ask you if
14 you recognize what it shows.

15 A Yes, I do.

16 MR. HENKIN: Could we have that labeled as
17 Exhibit 10.

18 (Deposition Exhibit 10 was marked.)

19 Q What is depicted in Exhibit 10?

20 A The 40 millimeter M918 target practice
21 cartridge for the MK-19.

22 Q Do you see the portion of the drawing that is
23 labeled "oh-jeev" or "oh-geev"? I assume it's
24 "oh-jeev"?

25 A "Oh-jeev".

1 Yes, I do.

2 Q Do you know out of what material that Ogeeve is
3 made on the M-918 target practice cartridge?

4 A Yes. The present version that's used today is
5 an aluminum alloy.

6 Q Would it be accurate to refer to the Ogeeve as
7 a nose cone in colloquial speak?

8 A That's correct.

9 Q I'm going to hand you a copy of the
10 supplemental declaration that was submitted by the
11 Army, your declaration, which was filed on November the
12 20th of this year. If you could please reference
13 paragraph 5 which appears on page 3.

14 A I've found it, read it.

15 Q The second sentence says: The M19 contains
16 several parts: A plastic nose cone.

17 Do you see that?

18 A Yes, I do.

19 Q Is that an accurate statement?

20 A It was accurate to the best of my knowledge at
21 the time I did this. The initial round that was
22 developed is experimental. It had a very hard plastic
23 nose. At the time that I did this, I was not able to
24 research the exact composition of the round that we see
25 today, but at the time that I originally was introduced

1 to it, it was a very hard plastic. But I do know that
2 now, given the time, that it is an aluminum alloy
3 that's issued today.

4 Q So Mr. Quitevis was correct when he said it was
5 an aluminum nose cone?

6 A It is an aluminum nose cone.

7 Q If you look at paragraph 4, also on the same
8 page, last sentence, you reference the M385 projectile.
9 Do you see that?

10 A That is correct.

11 Q I'm going to hand you a document, see if you
12 recognize what is depicted there.

13 A That is a depiction again of the 40 millimeter
14 M385A1 practice cartridge for the MK-19.

15 MR. HENKIN: Could we please have that labeled
16 as Exhibit 11.

17 (Deposition Exhibit 11 was marked.)

18 Q Are both types of projectiles depicted in
19 Exhibit 10 and 11 fired by the MK-19?

20 A They are.

21 Q With reference to Exhibit No. 11, you see the
22 portion of the drawing that says "solid projectile"?

23 A I do.

24 Q Do you know what the composition of the solid
25 projectile is?

1 Q Referring to end of paragraph 5, which is at
2 top of page 4, there's a statement that the M19 round
3 is not a UXO. Do you see that?

4 A I do.

5 Q Is it your opinion that the M19 round is not
6 unexploded ordnance if the primer charge has not been
7 detonated?

8 A That is correct.

9 Q Paragraph 6, also on page 4, you reference a
10 chalk -- I'm sorry.

11 In paragraph 5 on page 3, you state that the
12 M19 target practice round has a "chalk-like material".

13 Do you see that?

14 A Yes, I do.

15 Q Where is that material located?

16 A In the composition here in the flash charge,
17 there's an aluminum powder that's a part of that, and
18 that gives a visible puff as it's blown out the back,
19 ejected out the back of the case.

20 Q In paragraph number 6 on page 4, second-to-last
21 sentence, do you see where it reads: Ballistics show
22 the two training rounds are identical and are
23 relatively slow compared to even pistol or black -- I
24 assume that should read "powder ammunition"?

25 A Yes, that is correct.

1 Q It continues: While impacts from off-target
2 MK-19 rounds are possible, changes in range design and
3 target locations, the long distance areas of concern,
4 or restrictions to firing procedures make this very
5 unlikely.

6 Do you see that?

7 A That is correct.

8 Q What is the relevance of the comparison of the
9 velocity of the two MK-19 training rounds that we've
10 discussed to pistol or black powder ammunition?

11 A Meaning the speed of velocity that they move at
12 as they travel down the range.

13 Q What relevance does that have to whether an
14 impact with such a round might cause damage to cultural
15 sites?

16 A Velocity --

17 MR. LEWIS: Objection. Asked and answered.

18 THE WITNESS: Velocity. Kinetic energy.

19 BY MR. HENKIN:

20 Q Do you have a background in physics?

21 A No, I do not.

22 Q Did you ever take a basic physics course?

23 A I did take a basic physics course.

24 Q Are you familiar with Newton's second law?

25 A Yes, I am.

1 Q What is Newton's second law?

2 A Motion, objects in motion.

3 Q Are you aware of the importance of mass?

4 A Yes, I am.

5 Q What is the relationship between mass and
6 velocity in determining force?

7 A It determines -- calculated, it determines the
8 force that it would -- the force that it delivers or
9 how much impact it delivers when it is given a stop at
10 a specific point. Energy that it has.

11 Q What is the relative mass, say, between the
12 M385A1 solid aluminum round and a pistol bullet?

13 A They are substantially different. The --

14 Q Which one --

15 A The 40 millimeter would be greater.

16 Q By what order of magnitude?

17 A I do not know the exact weight of them. I know
18 that they are roughly -- you know, the cartridge
19 roughly is about a pound, a little bit more than a
20 pound together between the two with the cartridge, and
21 of course, the cartridge and the propellant are not
22 what's propelled down the range.

23 So estimate anywhere around a pound for the
24 projectile. Pistol weights are measured in grams for
25 the projectile, or grains.

1 Q So if a pistol bullet were traveling at the
2 same velocity as a MK-19 projectile, which one would
3 exert the greater force on the object that it hits?

4 A The 40 millimeter.

5 Q I'm going to hand you a document and ask you if
6 you recognize it.

7 A No, I do not.

8 Q I'll take it back, then.

9 Mr. Borne, based on your understanding of
10 physics, would you agree with the statement that in
11 order to determine the force that is exerted on an
12 object, you would have to multiply the mass of the
13 object by its acceleration?

14 A That is correct.

15 Q Do you know where we could find with greater
16 specificity what the mass is of the projectiles that
17 are depicted in Exhibits 11 and 10?

18 A I can guess that the arsenals that developed
19 the ammunition specifications and the manufacturers
20 would have that. However, the energy measured in foot
21 pounds exists for these weapons.

22 Q Where would one find that?

23 A It would either be the ballistics manual for
24 the weapon or ballistic tables for it. It would
25 develop that and translate that into foot pounds of

1 Q I'm going to hand you a document and ask you if
2 you recognize this document.

3 A Yes, I do.

4 Q What is that document?

5 A That's a flat plate drawing of a surface danger
6 zone for Qualification Training Range 1.

7 MR. HENKIN: Could we please have that labeled
8 as Exhibit 12.

9 (Deposition Exhibit 12 was marked.)

10 Q When you reference the one in 1,000 chance of a
11 round falling off the target but within the surface
12 danger zone, which portion of the surface danger zone
13 is depicted on Exhibit 11 that you're referencing?

14 MR. LEWIS: Objection. That
15 mischaracterizes --

16 MR. HENKIN: 12. Exhibit --

17 MR. LEWIS: -- the evidence. You used one in
18 1,000 again.

19 MR. HENKIN: My apologies. Thank you.

20 Q One in 10,000.

21 A The differing surface danger zones that are
22 drawn here shows azimuths of fire. If you have a
23 single azimuth of fire from a single firing point to a
24 single target, it's a gun target line. So this shows
25 left and right gun target lines. I'm not sure all --

1 because I didn't develop this, I'm not sure of all of
2 them.

3 Then you have the dispersion zone, and then
4 there's a ricochet zone. And what that means is the
5 outer line that's out there, the ricochet zone, you
6 have a one in 10,000 chance that a round may still land
7 in that dispersion zone and then ricochet zone.

8 Q If we could just label -- let's see if this pen
9 writes well on this -- where the ricochet zone is.

10 A Or deflection zone depending on the weapon. I
11 will draw it all in here just on one perimeter
12 (indicating).

13 Again, now I have drawn this, I do not know if
14 it's an accurate depiction.

15 Q Understanding that you didn't draw this and,
16 therefore, aren't vouching for the accuracy of the
17 surface danger zone, can you interpret this map.

18 A Yes, I can. Just moving from lines inside, you
19 have this outer line that's out here, would be that
20 deflection or ricochet zone.

21 Q Could we draw a line to that and just write
22 ricochet zone.

23 (Witness complies.)

24 Q If I understand correctly, there's one on one
25 extreme side of the cone, if you will, of the SDZ and

1 one on the other extreme side?

2 A That is correct.

3 Q What is the probability of a round ending in
4 the ricochet zone?

5 A That is the one to 10,000 chance that it will
6 end up in there.

7 Q What is the zone as we proceed towards the
8 center line next to the ricochet zone?

9 A This is a deflection zone.

10 Q Could you draw an arrow, please, to --

11 A I'm sorry. Dispersion. Ricochet and
12 deflection can be used interchangeably.

13 Dispersion. Dispersion zone, and that would be
14 the next line in.

15 Q What are the odds of a round ending up in the
16 dispersion zone?

17 A They don't calculate that because that's where
18 they expect rounds that didn't hit the target to land.
19 In other words, it's a given that there's a high
20 probability of those rounds will end up in that area.

21 Q What is the zone that is going towards the
22 center line adjacent to the dispersion zone?

23 A I suspect that this is showing multiple lanes,
24 and that's what you're seeing in the middle, those gun
25 target lines and dispersion zones for adjacent lanes to

1 each other which gives you the center part of those --
2 the arc.

3 So while this is a dispersion zone and a
4 ricochet zone, it applies to this lane here. That's
5 where the targets would be, and that's where the
6 majority of the bullets would be. This would be the
7 adjacent lane, this would be the adjacent lane, and
8 then it would reverse itself from this lane dispersion
9 zone/ricochet zone because they didn't draw those in
10 for each lane underneath here.

11 Q So am I correct in understanding that you would
12 expect the majority of rounds to land in either the
13 dispersion zone or one of these three interior zones?

14 A Yes, that is correct.

15 Q Am I correct in understanding that is only with
16 respect to the ricochet zone or the deflection zone
17 where the probability would be one in 10,000?

18 A Correct.

19 Q Could you bracket the zones where you would
20 expect a majority of rounds to fall. Then sort of
21 bracket them and draw a line out and write "majority of
22 rounds."

23 (Witness complies.)

24 Q Thank you.

25 I'm going to show you a document, Mr. Borne,

1 practice tracer is the HEP-TP-T. And the 105
2 millimeter canister is as described.

3 Q With respect to the 900 -- well, how many
4 rounds of 105 millimeter TPDS rounds does the Army
5 expect to fire at Pohakoloa should the court grant
6 their request?

7 A I would have to review the gunnery tables that
8 describes the number of rounds that are fired for each
9 gunnery table because this is exactly that. It would
10 match that. It would not be a reflection on how many
11 are allocated for a year because we're only asking to
12 do OPNET training at Range 11T and not collective
13 training with the gun system on another range.

14 I would have to look at the table, but I
15 believe it's around 15 to 20 rounds depending on the
16 variation.

17 Q Is this the document you're referencing?

18 A This is an extract of those tables, that is
19 correct.

20 MR. HENKIN: Why don't we have that labeled as
21 Exhibit No. 18.

22 (Deposition Exhibit 18 was marked.)

23 Q Based on your review of Exhibit 18, could you
24 give an estimate of the number of each of the various
25 types of 105 millimeter rounds that the Army is asking

1 the court for leave to fire between now and the time of
2 the 2nd Brigade's deployment?

3 A I will have to go through and count it up, but
4 yes, I can.

5 Q Well, if it's a question of simple math, could
6 you just describe how you would calculate the number of
7 rounds

8 A It gives you the ammunition and number of
9 rounds in the ammunition column of each one of the
10 tables that it describes in here. The first one that
11 would use the 105 millimeter cannon round is listed in
12 here as CT VI. And there's no page number, but it
13 would be VI.

14 Q In order to calculate the total number of
15 rounds, how would you do that?

16 A You would go through and add all of those under
17 those specific titles as it lists it. Like the first
18 one would be the second task, A2 one round of high
19 explosive plastic training practice tracer, HEP-TP. So
20 there's one.

21 To capture those, you would go through the
22 remaining tables that are in here or just the -- not
23 the CALFEX but the Tables VI, VII, and VIII. The
24 advance gunnery collective tables would not be fired.

25 Q Where would the advance gunnery tables be

1 fired?

2 A They would have to be fired at the National
3 Training Center. It requires a much larger range, and
4 in fact, they're not reflected in this briefing.

5 Q What does the acronym CT refer to?

6 A I do not know, although I do know they're
7 commonly called tables, Table VI, Table VII, Table
8 VIII. So while I can't say what the C is, I know that
9 the T is table.

10 Q We'll go with table.

11 A I'll look through here and see if I can find
12 the acronym.

13 Q No. That's okay.

14 A But they are normally listed as Table VI, VII,
15 and VIII.

16 Q I'll go on the acronym finder.

17 Now, with respect to the number of rounds
18 listed in Tables VI, VII, and VIII, does that reflect
19 the total number of rounds fired by a single Stryker
20 that is in the mobile gun system configuration?

21 A That is correct.

22 Q Would you then have to multiply the number of
23 rounds by the number of assigned Strykers in the MGS
24 configuration that are assigned to the 2nd Brigade?

25 A Correct.

1 Q Do you know off the top of your head the
2 number?

3 A There's 39 that are assigned, if I'm not
4 mistaken, and I don't know if any of those are taken
5 off and put into what they call the maintenance -- for
6 lack of a better term, a maintenance pool. I would
7 have to go back and check, and Colonel Banach would
8 know exactly how many he was supposed to get.

9 Q I'm showing you a document that was included in
10 the Army's disclosure, Annex B Stryker Vehicle
11 Disposition. Does that help refresh your recollection?

12 A Yes, it does.

13 Q Therefore, how many Strykers in the MGS
14 configuration would need to be trained?

15 A Twenty-seven would need to do the gunnery
16 table. Twenty-seven crews and vehicles would need to
17 do the gunnery table.

18 Q So if one were to multiply the number of rounds
19 listed in Tables VI, VII, and VIII by 27, would that
20 give you the total number of rounds?

21 A Yes, that would give you the total numbers we
22 would need to fire.

23 Q Does that assume that the crews were fully
24 successful the first time around?

25 A That is an assumption.

1 Q If they were not fully successful, they would
2 need additional rounds, I assume?

3 A If they were not fully successful, they would
4 need additional rounds for that task that they failed.

5 Q If you could please reference Table V, task
6 A2S, do you see that one?

7 A Yes.

8 Q There's reference to one round SLAP, all caps,
9 hyphen T. Do you see that?

10 A Yes, I do.

11 Q To what does that refer?

12 A I don't know the specific acronym, but I do
13 know what that is. It's a short-range training
14 ammunition with a tracer. So it's a substitute weapon
15 system.

16 Q Substitute for what?

17 A If I'm not mistaken, it's a substitute for the
18 large caliber weapon system. In other words, it's a
19 bore device that could be used for the subcaliber
20 system.

21 Q If I understand correctly, this would be firing
22 out of the 105 millimeter gun but with a smaller
23 caliber --

24 A I don't know that it fires through the bore,
25 but it may be attached to the barrel or something to

1 Exhibit No. 19, please.

2 (Deposition Exhibit 19 was marked.)

3 Q What is Exhibit 19, please?

4 A Exhibit 19 is a Record of Environmental
5 Consideration for the Development of Range 11T as a
6 Potential Mobile Gun System Range.

7 Q I'd like to direct your attention to a couple
8 of maps. There are no page numbers, so with your
9 leave, I will just open it up to the appropriate page.
10 The page on the left refers to "Tank Table VII
11 Engagements." Do you see that?

12 A I can see that..

13 Q Can you interpret what is reflected on this
14 page?

15 A This would be Tank Table VII Engagements. From
16 the previous document, you could see where the tasks
17 change. This is the task where they would fire the
18 M1040 105 millimeter canister round from a specific
19 firing point on the range and the specific target.
20 That's showing the SDZ in the upper right-hand corner.

21 Q Could you outline in green the SDZ, please.

22 (Witness complies.)

23 Q Do you know why the SDZ is bifurcated?

24 A It is showing a single firing point with a
25 single line. So this is reflecting a single engagement

1 of one vehicle firing from one point at a target. If
2 you remember the earlier discussion on gun target line,
3 the line through the middle is showing that single gun
4 target line.

5 Q When you're dealing with a weapon like the 105
6 millimeter canister, is there a ricochet or deflection?

7 A No, there is not.

8 Q Is there any way, to your knowledge, of
9 calculating the relative probability of a round falling
10 in different areas of the SDZ?

11 A No, I do not because it's -- basically, the
12 canister round is a shotgun effecting round. So I do
13 believe [sic] there would be any calculations done for
14 any probability in that.

15 Q When you say a shotgun round --

16 A Correct.

17 Q -- could you please describe what you mean.

18 A A canister like in a canister for an artillery
19 round is that instead of shooting a single projectile
20 with a high explosive warhead, it shoots a canister or
21 collection of projectiles, and of course, it breaks
22 apart as it leaves the barrel. And those projectiles,
23 which have no explosive weight but have inertia, would
24 go down the range.

25 It also shows why it's very limited because

1 like a shotgun versus a rifle, the range is limited.

2 Q So with this type of a weapon, would one expect
3 that the scattered smaller projectiles would spread in
4 the surface danger zone area?

5 A Correct.

6 Q If you could look to the next page which
7 describes Tank Table VIII Engagements, could you
8 interpret what is located there.

9 A Yes, I can. It's similar to the previous one.
10 It's the next level of engagement with the same weapon.
11 So it's depicting a vehicle just turning, now firing at
12 a different target, given that it may be a different
13 target array or a different target depiction, testing
14 the next higher level skill.

15 Q If you could outline in pink the SDZ for that
16 task.

17 A (Witness complies.)

18 Q Am I correct in understanding that similar to
19 the preceding task, that because we're firing a
20 canister round, one would expect dispersion of the
21 projectiles in the SDZ area?

22 A That is correct.

23 Q Mr. Borne, did you assist in the Army's
24 preparation of the response to Interrogatory No. 13
25 which asked for the identification of all military

1 addition to the one that's already in Germany, we
2 looked at the locations that are listed.

3 Q Did you consider temporary restationing at Fort
4 Hood?

5 A Our group, the general discussion that our
6 group had was the answer -- it was one of those
7 criteria of all the ones we went through, but because
8 it lacked those set of initial criterias, it was not
9 further investigated.

10 Q Which initial criteria did it lack?

11 A It lacked the environmental impact statement
12 for a Stryker Brigade or environmental documentation
13 for a Stryker Brigade.

14 Q What type of units are stationed at Fort Hood?

15 A Armor units.

16 Q What was the basis of your determination that
17 you would need to do additional environmental review to
18 station a Stryker Brigade at an installation that is
19 home to armor units?

20 A Additional requirements for that vehicle, a
21 new -- introduction of a new vehicle. And then the
22 second part of it is, too, the introduction of the
23 additional 4,000 soldiers to Fort Hood or any other
24 location.

25 Q Are you aware whether there are units that have

1 been deployed from Fort Hood to either Iraq or
2 Afghanistan?

3 MR. LEWIS: Objection. Relevance.

4 THE WITNESS: I do know that units from Fort
5 Hood are in the rotation cycle for deployment to both
6 Afghanistan and Iraq.

7 BY MR. HENKIN:

8 Q Do you know whether there might be room at Fort
9 Hood to station temporarily the 2nd Brigade to undergo
10 training?

11 A No, I do not.

12 Q Was there a legal determination made by the
13 Army that there would be a requirement for additional
14 environmental study before the 2nd Brigade could
15 undergo Stryker conversion training at a facility that
16 is home to armored units?

17 A I do not know if a legal determination was, but
18 a screening criteria determination was. So I do not
19 know if attorneys were involved in that discussion.

20 Q Did you consider restationing the 2nd Brigade
21 at Fort Bliss?

22 A Fort Bliss was one of the initial discussions
23 again.

24 Q And why was it eliminated?

25 A Again, the same two, although we were not sure

1 two of the facilities available for a Stryker Brigade's
2 gunnery, it was the same criteria of did they have an
3 existing environmental documentation for a Stryker
4 Brigade and could they withstand the expanse of 4,000
5 additional folks going there for stationing or
6 training.

7 Q Did you make any inquiries as to whether or not
8 they have the available facilities?

9 A A data base inquiry is about all we looked at.

10 Q What was the result of that inquiry?

11 A Data base inquiry was that they had some of the
12 large complex, but they didn't have some of the -- they
13 didn't have a Battle Area Complex collective range.
14 The rest they did have in existence.

15 Q Does Hawai'i currently have a Battle Area
16 Complex type range?

17 A No, it does not.

18 Q So in what respect do the resources available
19 at Fort Bliss differ from the resources currently
20 available at Hawai'i?

21 A There are none.

22 Q Did you do any inquiry with respect to whether
23 Fort Bliss could accommodate additional soldiers from
24 the 2nd Brigade?

25 A No, we did not.

1 Q Did you consider Fort Carson?

2 A Fort Carson was only in the initial discussion
3 but not carried any further.

4 Q To back up, am I correct in understanding that
5 Fort Bliss is home to armored units?

6 A Fort Bliss now will be home to armor units. It
7 was not previously.

8 Q Did they do environmental review prior to
9 making the decision to make them home to armored units?

10 A I am not -- I am not sure they did. I'm not
11 aware of it.

12 Q Do you know when they're planning on becoming
13 home to armored units?

14 A No, I do not.

15 Q With respect to Fort Carson, am I correct in
16 understanding that Fort Carson is home to armored
17 units?

18 A Fort Carson has been habitually associated with
19 armor units. I cannot say what unit is there in its
20 current configuration after transformation.

21 Q What were the reasons for eliminating Fort
22 Carson from consideration?

23 A Again, lack of environmental documentation that
24 would allow us to come, bring a Stryker Brigade to Fort
25 Carson.

1 Q Do you have adequate environmental
2 documentation for carrying out training in Hawai'i?

3 A At this point we do not.

4 Q Were there any other reasons for excluding Fort
5 Carson from your consideration?

6 A Not that I recall.

7 Q Does it have adequate training facilities?

8 A It's does have the range capability for
9 training ranges. I do not know if it has the other
10 facilities.

11 Q What do you mean by other facilities?

12 A Maintenance support facilities and the digital
13 capability.

14 Q Did you make any inquiries to determine whether
15 they had those facilities?

16 A No, we did not.

17 Q Did you make any inquiries with respect to --
18 let me back up.

19 Am I correct in understanding that there are
20 armored units stationed in Korea?

21 A Unit that's in Korea is part of the 2nd
22 Infantry Division, but it does have armor capabilities.

23 Q Did you make any inquiries regarding the
24 ability to restation the 2nd Brigade temporarily to
25 Korea?

1 A No, we did not.

2 Q Why not?

3 A A third capacity in that is the negotiations
4 that would have to be done with a foreign government
5 and stationing additional or changing forces overseas,
6 which was also considered for Germany.

7 Q Did you consider restationing temporarily the
8 2nd Brigade to carry out training at Fort Riley?

9 A Like Fort Carson, it was an initial
10 consideration to review, but it was discarded early.

11 Q What were the reasons?

12 A Again, lack of environmental documentation.

13 Q Does Fort Riley have the training facilities
14 necessary for training a Stryker Brigade?

15 A Again, it was not fully researched, so I can't
16 answer that.

17 Q Did you consider Fort Stewart?

18 A Not that I recall.

19 Q Am I correct in understanding that Fort Riley
20 is home to armored units?

21 A Fort Riley has historically been home to armor
22 units, that is correct.

23 Q What about Fort Stewart?

24 A Fort Stewart has been historically home to
25 armor units.

1 Q What were the reasons for your decision not
2 to -- the Army's decision not to consider Fort Stewart
3 further?

4 A Again, proximity to desired strategic locations
5 and lack of environmental documentation.

6 Q Were there any other facilities or
7 installations that were considered for restationing the
8 2nd Brigade that we haven't discussed?

9 A Not that I'm aware of.

10 Q With respect to Fort Lewis in Washington, do
11 you have knowledge regarding how many Stryker Brigades
12 can be trained at that facility?

13 A I'm sorry. At which facility?

14 Q Fort Lewis in Washington.

15 A Can be trained? How many brigades can be
16 trained at Fort Lewis, Washington?

17 Q Yes.

18 A One Stryker Brigade can be trained at a time at
19 Fort Lewis, Washington, to meet its initial operating
20 capacity. Once they've met, then the number can
21 increase for sustainment.

22 Q What is the basis of that opinion?

23 A Based on what I have seen and what I've been
24 told about the operational NET training capabilities,
25 classrooms, and their ability to get to the facilities

1 refers to the Interim Brigade Combat Team rather
2 than --

3 A That is correct, rather than Infantry Brigade
4 Combat Team.

5 Q Now, with respect to, if this is useful --
6 again, the Army provided it, not me -- is this useful
7 for indicating approximately where in the process of
8 transformation the 2nd Brigade Combat Team currently
9 is?

10 A Generally, not given the number of months but
11 given the tasks that are aligned against the number of
12 months, you could show where 2nd Brigade would be,
13 although I believe this to be early on SBCT 1. So they
14 had a different training model. There's things that
15 are in here that would not be in here for 2nd Brigade
16 and vice versa.

17 Q I'm going to hand you another document and see
18 if it's more useful. Do you recognize this document?

19 A I recognize the document.

20 MR. HENKIN: Can we please have that labeled as
21 Exhibit No. 21.

22 (Deposition Exhibit 21 was marked.)

23 Q Could you please describe what we've had
24 labeled as Exhibit 21.

25 A It appears to be the 5th of the 2nd Infantry's

1 Long Range Transformation Plan, November of 2006.

2 Q Is that what is intended to become the Stryker
3 Brigade No. 7?

4 A Fifth Brigade of the 2nd. I believe that's to
5 be Stryker Brigade No. 7.

6 Q As you look at this transformation plan, is
7 this helpful in defining approximately where along the
8 transformation flow path the 2nd Brigade of the 25th
9 Infantry is currently?

10 A Yes. You'll have to allow me to get my reading
11 glasses out of here since it's very small print.

12 Q I appreciate that. This is the form in which
13 it was provided to me.

14 A Yes, this would be of assistance.

15 Q If you could indicate approximately where along
16 this flow path the 2nd Brigade is currently.

17 A Doesn't seem to be a 100 percent match, but we
18 are in the Stryker fielding window, which appears on
19 the second line. The exercisers are not the same, but
20 we seem to be at least midway through this time line on
21 the second grouping under the dates. Roughly looks
22 like March-April time frame of '08.

23 Q Could you please circle with a black pen around
24 the set of tasks where the 2nd Brigade is currently,
25 approximately.

1 A And there's a lot of aligning factors that
2 enter in here, so I'm going to make the circle over a
3 broad band. Colonel Banach may know exactly where he
4 may feel he falls inside that band.

5 Q If you could just mark a line there and put
6 what would be a good descriptor. "Approximate status?"

7 A "Approximate status window."

8 Q Of 2/25? Is that the right nomenclature for
9 the 2nd Brigade, 25th Infantry?

10 A Yes.

11 Q When is the 7th Stryker Brigade expected to
12 begin doing any training to become a Stryker Brigade?

13 A On this time line, because there's cadre
14 arrival and discussions of some minor training, it
15 looks like it's in October of '06 where they start
16 doing some preparation.

17 Q I'm sorry. What year?

18 A 2006.

19 Q Could you point with your finger where you're
20 referencing.

21 A And it's talking about Adam cell preparation.
22 So there may be some leader training that's in there.

23 But you can see the initial date that they have
24 for the first pilot across-the-board training is where
25 they do unit senior leader overview, which is midway

1 Q Do you know what that amount would be?

2 A No, I do not.

3 Q You indicate there had not been enough research
4 to know if it would be possible to accomplish the
5 training with the resources available. Could you
6 please explain that statement.

7 A The resources available would be classrooms, as
8 first was indicated by the digital university. The
9 next one is time on ranges, specific to those ranges
10 that are inherent to a Stryker Brigade.

11 But in addition to that, because there's many
12 units at Fort Lewis, also would be the individual
13 ranges that they would need to train on because they
14 didn't have all that individual training done when they
15 left Schofield Barracks.

16 A training area for maneuver of the Stryker
17 vehicle, there could be some conflict because those are
18 usually longer exercises. And any deployment assets
19 that would be required to move them between those
20 locations.

21 Q Referring back to Exhibit No. 21, in what month
22 would Stryker Brigade 7 begin conducting any
23 Stryker-specific training?

24 A Do the pre-Stryker training up through
25 September, so it appears to be October of '07. When

1 they start getting into specifics to include the
2 Stryker fielding window starts in October of 2007.

3 Q In October of 2007, the 2nd Brigade will be at
4 the National Training Center; is that correct?

5 A That is correct.

6 Q And sometime thereafter, transiting to
7 deployment outside the United States, correct?

8 A I do know that they have a deployment after
9 that, but the brigade would return to Schofield
10 Barracks. The vehicles may move to a deployment.

11 Q The Stryker vehicles may not return to Fort
12 Lewis --

13 A That is correct, return to Schofield.

14 Q I'm just going to -- if I could finish the
15 question.

16 If they were stationed at Fort Lewis, the
17 Stryker vehicles might not return to Fort Lewis
18 following their deployment to the National Training
19 Center; is that correct?

20 A That is correct.

21 Q And thus, they would not do any more
22 Stryker-specific training following their deployment to
23 the National Training Center?

24 A For the 7th Stryker Brigade, that is true.

25 Q I'm referring to the 25th Infantry, 2nd --

1 A I'm sorry. The 25th, you are correct.

2 Q So am I correct in understanding the bottom
3 line is that there has not yet been a determination
4 that there would be inadequate facilities at Fort Lewis
5 for restationing the 2nd Brigade?

6 A There's not been a complete analysis on if the
7 facilities would be available to support 2nd Brigade at
8 Fort Lewis.

9 Q Is there any effort underway to do that
10 analysis?

11 A The efforts of analysis are also bound by the
12 monetary requirement and the environmental requirement.

13 Q Is there any effort underway to do the analysis
14 as to whether there are adequate facilities at Fort
15 Lewis to train the 2nd Brigade?

16 A Only in the cursory question that's related to
17 the beginning of the supplemental environmental
18 assessment also. Yes, there has been questions asked,
19 and the beginning of requirements outlined has been
20 described to start the documentation.

21 Q When does the Army expect to complete its
22 analysis of whether it could temporarily restation the
23 2nd Brigade to Fort Lewis while it is doing the
24 supplemental environmental analysis?

25 A I don't --

1 MR. LEWIS: Objection. I think it
2 mischaracterizes his answers.

3 BY MR. HENKIN:

4 Q Is the Army intending to do any further
5 analysis as to whether or not it could temporarily
6 restation the 2nd Brigade to Fort Lewis while it
7 complies with the Ninth Circuit's order?

8 A I believe it is not until it hears the ruling
9 from the court on this request.

10 Q You're referring to the ruling from the
11 district court?

12 A District court, that is correct.

13 MR. HENKIN: Off the record.

14 (Recess taken, 5:15 to 5:19 p.m.)

15 MR. HENKIN: Back on the record.

16 Q Mr. Borne, I'm going to hand you a copy of your
17 declaration that was submitted by the Army in May of
18 2005, at the time that we saw it, an injunction pending
19 appeal. If you want to take a look at that document
20 and see if you recognize it.

21 I'd like to direct your attention to page 8 of
22 your declaration, paragraph 9. Could you please read
23 the second sentence in paragraph 9.

24 A DeLaying or disrupting the conversion of 2nd
25 Brigade to SBCT 5 will significantly impact the

1 STATE OF HAWAI'I)
2 CITY AND COUNTY OF HONOLULU) SS.
3

4 I, CARI VALLO, CSR No. 252, a Notary Public in
and for the State of Hawai'i, do hereby certify:

5 That on Monday, December 4, 2006, at 9:36 a.m.,
6 appeared before me RONALD L. BORNE, the witness whose
7 testimony is contained herein; that prior to being
examined, the witness was duly sworn or affirmed; that
8 the proceedings were taken in computerized machine
shorthand by me and were thereafter reduced to print
under my supervision; that the foregoing represents, to
9 the best of my ability, a correct transcript of the
proceedings had in the foregoing matter;

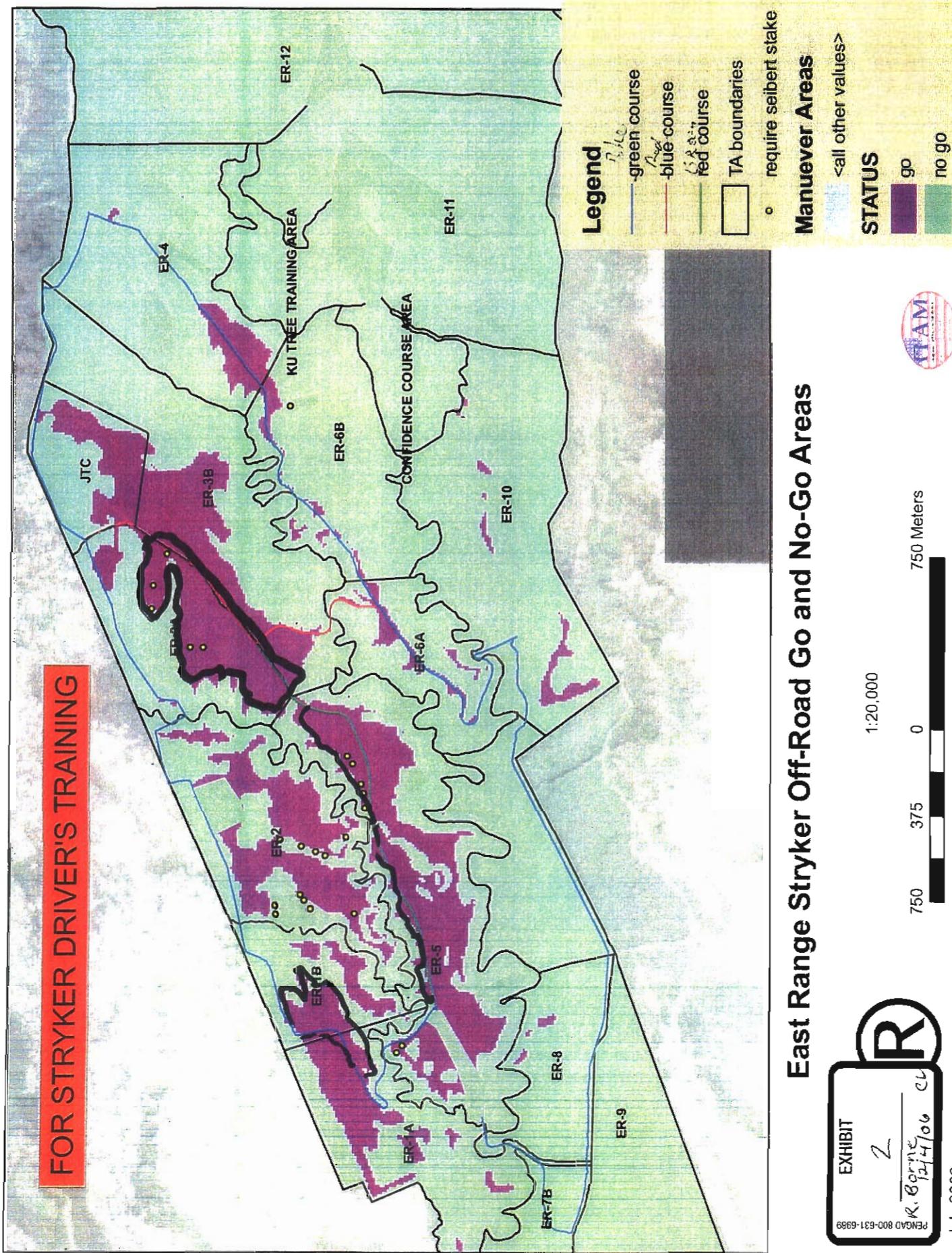
10 That, if applicable, the witness was notified
11 through counsel, by mail, or by telephone to appear and
sign; that if the transcript is not signed, either the
12 reading and signing were waived by the witness and all
parties or the witness has failed to appear and the
13 original is therefore kept on file without signature
pursuant to Court rules;

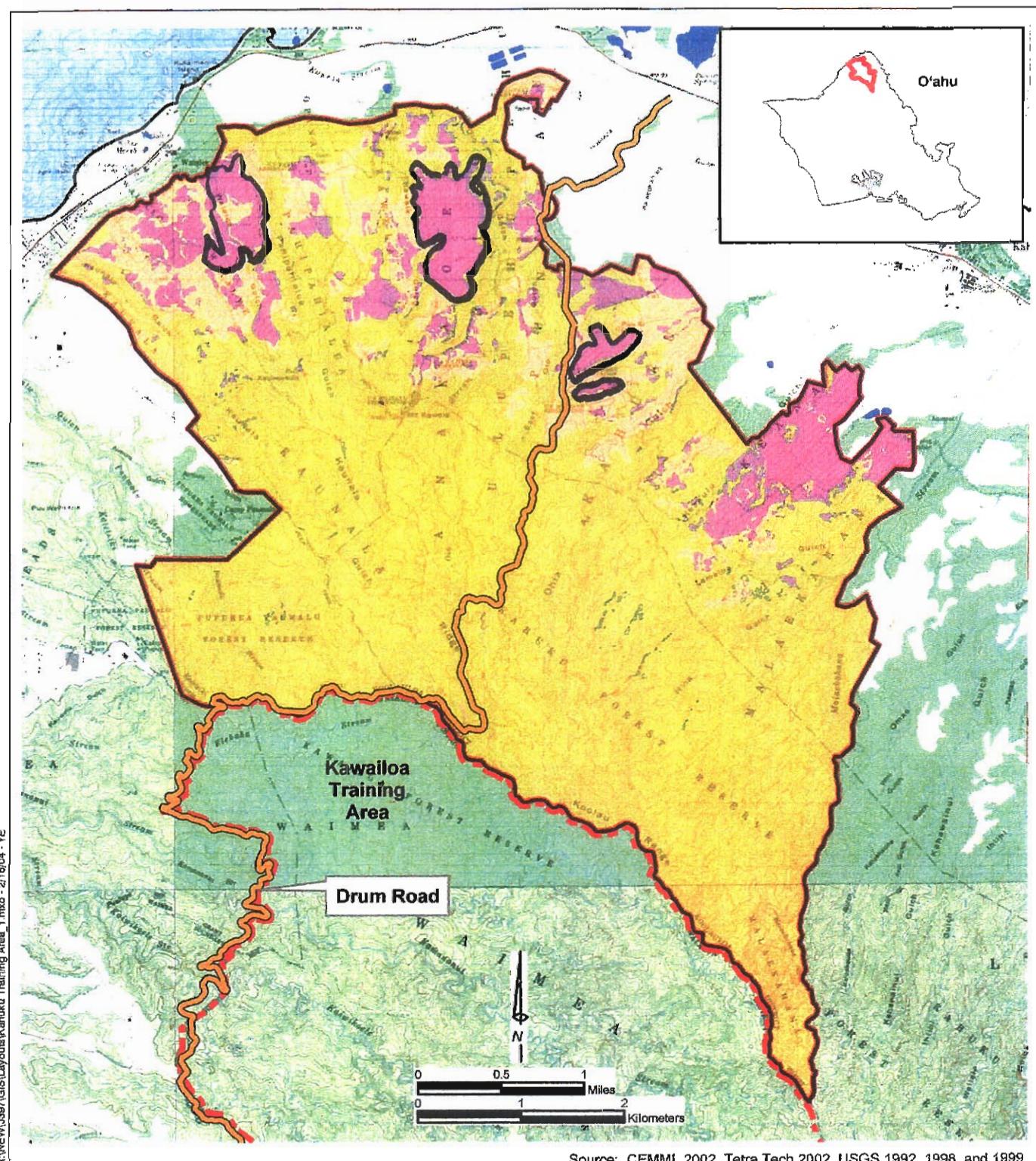
14
15 That pursuant to HRCP 30(f)(1), the original
will be forwarded to noticing counsel for retention,
16 unless otherwise agreed to by all counsel.

17 I further certify that I am not counsel for any
18 of the parties hereto nor in any way interested in the
outcome of the cause named in the caption.

19
20 Dated this 8th day of December, 2006, in
Honolulu, Hawai'i.

21
22 
23 Notary Public, State of Hawai'i
My Commission expires: November 6, 2008
24 CARI VALLO, CSR No. 252, RPR
25





Kahuku Training Area is bounded on the north by private agricultural lands south of the Kamehameha Highway, by the KLOA on the south, and by private and public lands on the remaining perimeter.

Legend

- Kahuku Training Area Boundary
- Kawaihoa Training Area Boundary
- State Land Use District Boundary
- Stryker maneuver area
- Strykers restricted to roads (no off road maneuvers)
- Drum Road
- Water

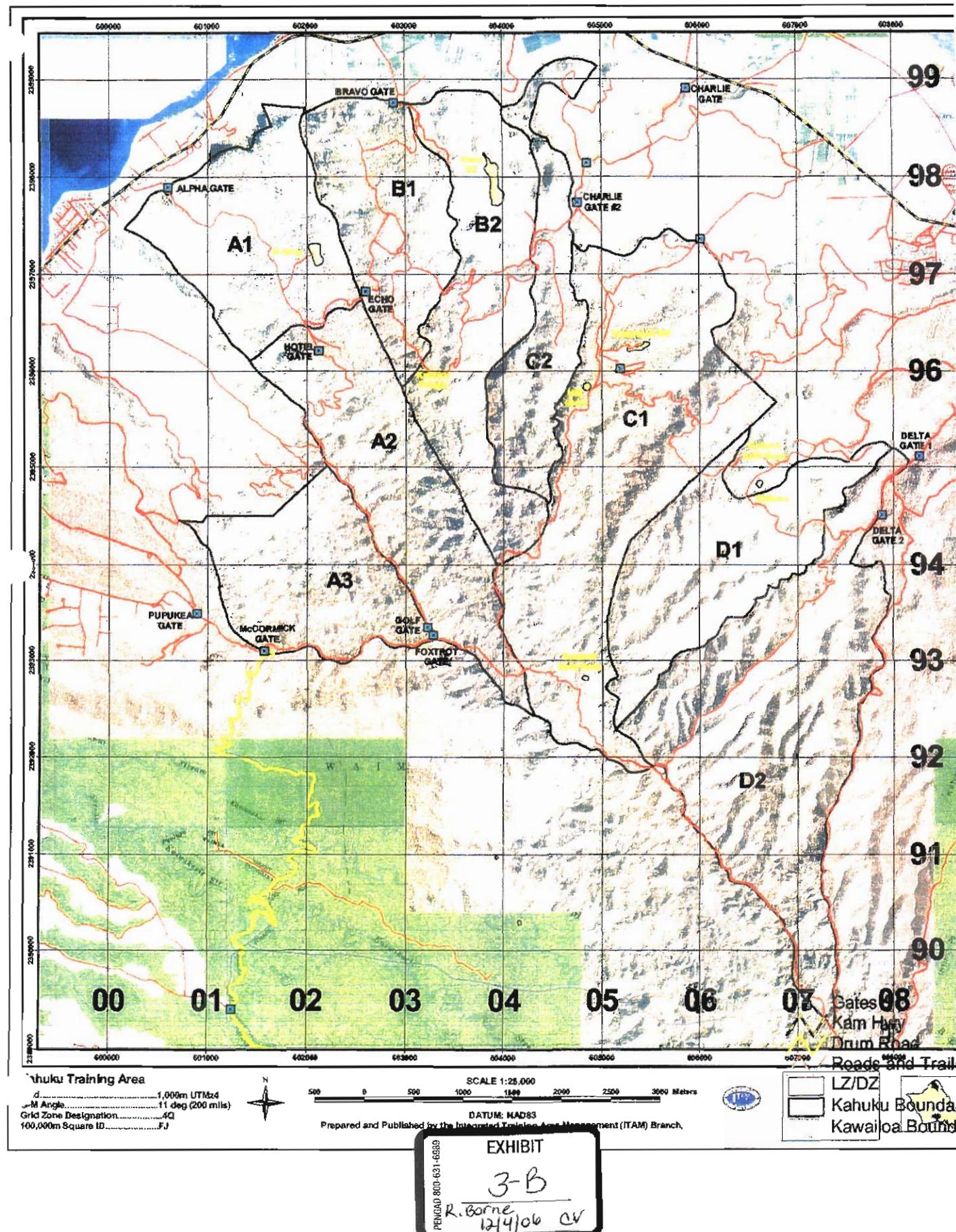
Kahuku Training Area

Oahu, Hawaii

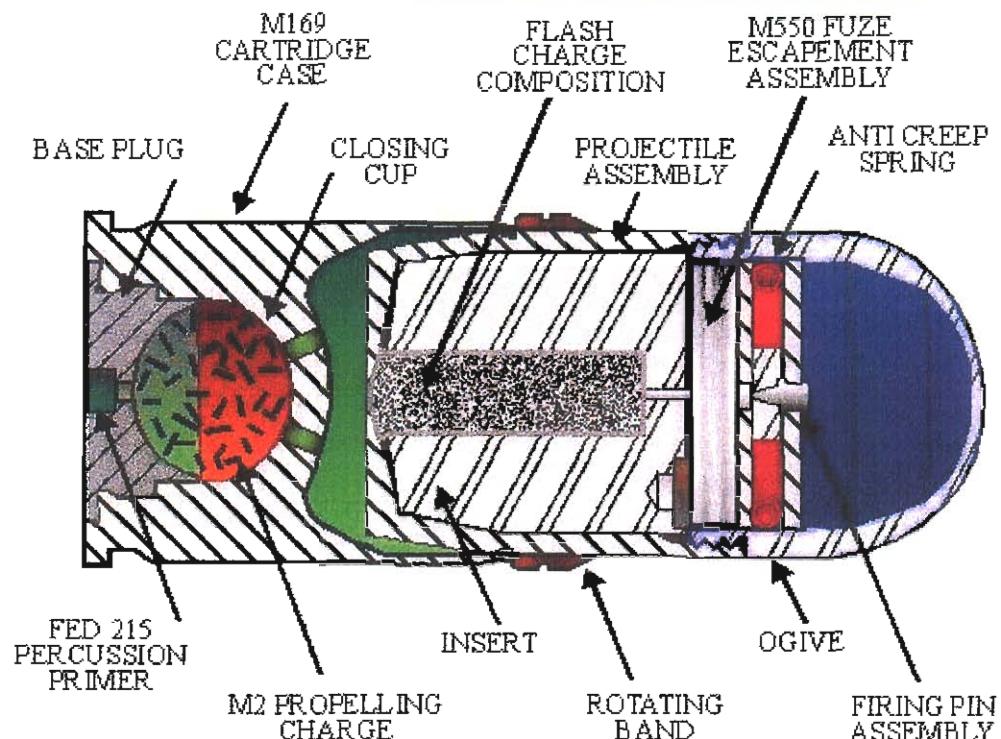
Figure 2-5

EXHIBIT
3-A
R. Borne
initials CV

PENGD 800-631-6989



40mm M918 Target Practice Cartridge



EXHIBIT

PENCO ID: 800-631-8689
R. Borne
12/4/06 CW
10

40mm M385AI Practice Cartridge

